

By: Davis

S.B. No. 1357

A BILL TO BE ENTITLED

AN ACT

relating to the use of administrative segregation or seclusion in county jails.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 511, Government Code, is amended by adding Sections 511.0098 and 511.0151 to read as follows:

Sec. 511.0098. STANDARDS REGARDING USE OF ADMINISTRATIVE SEGREGATION OR SECLUSION. (a) The commission shall establish standards regarding the use of administrative segregation or seclusion in a county jail. The standards must require that:

(1) before confining a prisoner in administrative segregation or seclusion:

(A) the jail evaluate the suitability of using less restrictive means of confinement, including the appropriate type of placement for a prisoner who is younger than 18 years of age or who has mental health issues;

(B) a mental health professional evaluate the prisoner; and

(C) the sheriff, or the sheriff's designee, and the employee in charge of medical care at the jail review and approve the confinement; and

(2) each jail develop, for each prisoner confined in administrative segregation or seclusion for a period that exceeds 24 hours, a behavioral improvement plan that clearly states the

1 actions the prisoner must take to be placed in a less restrictive
2 method of confinement.

3 (b) If appropriate, a mental health professional may be
4 consulted in preparing a behavioral improvement plan for a prisoner
5 under Subsection (a)(2).

6 (c) The standards must also require that:

7 (1) a jail not confine a prisoner younger than 18 years
8 of age in administrative segregation or seclusion for a period
9 exceeding four hours unless the confinement is due to an assault or
10 escape, or an attempted assault or escape, by the prisoner; and

11 (2) a prisoner younger than 18 years of age who is
12 confined in administrative segregation or seclusion continuously
13 for 30 minutes or longer complete a therapeutic self-analysis
14 assignment regarding the prisoner's behavior.

15 Sec. 511.0151. REPORT REGARDING ADMINISTRATIVE SEGREGATION
16 AND SECLUSION. (a) The commission shall collect data from each
17 county jail regarding the use of administrative segregation and
18 seclusion in the jails. Not later than February 1 of each year, the
19 commission shall submit a written report containing the information
20 described by Subsection (b) to:

21 (1) the governor;

22 (2) the lieutenant governor;

23 (3) the speaker of the house of representatives; and

24 (4) each standing committee of the senate and house of
25 representatives having primary jurisdiction over the commission.

26 (b) The report must include the following information for
27 the preceding fiscal year:

1 (1) the number of prisoners confined in administrative
2 segregation or seclusion at any time during the fiscal year; and

3 (2) for prisoners confined in administrative
4 segregation or seclusion at any time during the fiscal year:

5 (A) for each prisoner:

6 (i) the cumulative total length of time the
7 prisoner was confined in administrative segregation or seclusion;
8 and

9 (ii) the reasons for which the prisoner was
10 confined in administrative segregation or seclusion;

11 (B) a summary of the demographics of the
12 prisoners, including the age, race, and sex of the prisoners;

13 (C) a summary of any mental illnesses the
14 prisoners were diagnosed as having and any psychotropic drugs
15 prescribed for those illnesses; and

16 (D) the number of suicides, attempted suicides,
17 or other incidents of self-inflicted harm by a prisoner.

18 (c) The commission shall make the report submitted under
19 this section available to the public on the commission's Internet
20 website.

21 SECTION 2. (a) Not later than October 1, 2013, the
22 Commission on Jail Standards shall establish standards regarding
23 the use of administrative segregation or seclusion required by
24 Section 511.0098, Government Code, as added by this Act.

25 (b) Not later than February 1, 2015, the Commission on Jail
26 Standards shall submit the first report required by Section
27 511.0151, Government Code, as added by this Act.

1 SECTION 3. This Act takes effect September 1, 2013.